

130. (new) The apparatus of claim 120, wherein the always connected, non-dial up connection includes one of the following types of connections: cable modems, wireless modems, DSL lines, or T-1 lines.

### **REMARKS**

In the Office Action dated February 9, 2005, the Examiner objected to the specification for containing references to hyperlink code, rejected claims 80, 86-95, 98, 119 under 35 USC 112, second paragraph, objected to claims 98 and 122 under 35 USC 1.75 as being substantial duplicates of claims 79 and 121 respectively, rejected claims 37-51, 53-60, 62-77, 80, 82-91, 93-96, 99-116, 119-124 and 126 under 35 USC 102 as anticipated by Cotton (WO 00/63808), rejected claim 52 under 35 USC 103 as unpatentable in view of Cotton, rejected claim 61 under 35 USC 103 as unpatentable in view of Cotton and Mann (US Patent 6,119,096), rejected claims 78-79, 92, 97-98, 117-118 under 35 USC 103 unpatentable over Cotton and McNally (US Patent 5,850,214), and rejected claims 78-79, 92, 97-98, 117-118 under 35 USC 103 as unpatentable over Cotton in view of Quinn (US Patent 3,688,276). In response thereto, the Applicants have amended claims 37, 80, 83, 86, 98, 99, 119 and 120, cancelled claims 98, 101-103, and 122, and added new claims 127-130. Claims 37-81 and 82-97, 99, 100, and 104-121 and 123-130 remain at issue.

### **In the Specification**

The specification has been amended to remove references to any hyperlinks.

The Applicants have also amended the specification on page 6, line 20 to correct a minor typographical error.

### **35 USC 112, Second Paragraph**

Claims 80, 82-83, 86-95, 98, and 119 have been amended to correct the 35 USC 112, Second paragraph issues raised by the Examiner. The Applicants requests that these rejections be withdrawn.

### Double Patenting

The applicants have cancelled claims 98 and 122. The Applicant requests that the double patenting rejection be withdrawn.

### No New Matter

The amendments to the claims are fully supported by the specification as filed and do not constitute new matter. The specification on page 6, lines 8-22 and figure 1 state that the computers 12 and 16 located at a central server location and the restaurant can be connected to the internet 18 through an always on non-dial up connection such as a cable modem, wireless modem, DSL line, etc. Furthermore, Figures 23 and 24 and page 25, line 5 through page 27, line 12 describes various embodiments where two databases, one at a restaurant and the other at a central computing location, are synchronized over the always on, non-dial up Internet in real time.

### The Art Rejection

The Applicant wishes to thank the new Examiner for the telephone interview on May 5, 2005. During the interview, it was agreed that above listed amendments to the claims are patentably distinct over Cotton. Specifically, Cotton teaches that the server located at the facility is connected to the regional server through a "simple telephone line" that relies on a "dial-up" connection to the internet. In contrast, the claims of the present invention have been amended to include an always on, non-dial up connection between the computer at a restaurant and the computer at a central computing location.

The use of a telephone line as taught by Cotton has a number of disadvantages. Namely, as illustrated in figure 1 of Cotton, the server 12 at the facility is required to use an automatic dialer which establishes a connected with the regional servers 17 and 18 when the facility becomes disconnected. It is well known that dial up modems are unreliable. They will often disconnect after a predetermined period of time, they will often automatically disconnect after a period of light or no use; or will disconnect without warning when there is heavy internet traffic. The system taught and suggested by Cotton is therefore inherently unreliable and less than ideal.

Disconnects in Cotton are problematic for two important reasons: (i) internet reservations can not be made during the times when the internet connection 15 to the facility server 12 is

down; and (ii) the regional database 20 can not be updated in real time if a reservation is entered locally at the facility when the internet connection 15 is down.

When a reservation is to be booked over the internet using the Cotton system, the connection table 24 is first queried to determine if the facility has a corresponding IP address. The internet connection between the server 12 at the facility is next verified. If the connection does not exist, the IP address is removed from the connection table 24. A reservation therefore can not be made if the telephone line 15 connection is down. See page 7 lines 1-4 and Figure 3 of Cotton.

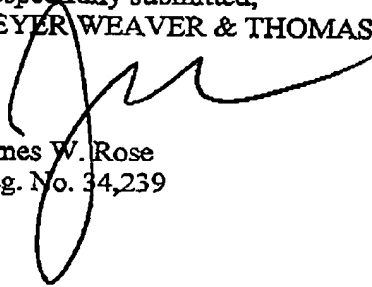
Similarly if a reservation is made locally at the server 12, for a walk-in or a customer calling in over the phone, that reservation can not be written to the regional database 20 in real time. See page 7, lines 16-18 and steps 36, 40 and 42 in Figure 3 of Cotton.

In contrast, the claims of the present invention cover a reservation system that uses an "always on" non-dial up internet connection, such as a cable modem, DSL line, wireless modems, T-1 lines, etc. This always on connection solves the very problems created by the telephone line connection taught by Cotton, namely the (i) internet reservations can be made at virtually anytime since the computer at the restaurant location does not periodically and/or automatically disconnect from the internet; and (ii) the back up database maintained at the second computer can be synchronized over the always on Internet connection.

Since Cotton specifically teaches away from these limitations, all the claims of the present application are patentable.

Applicant believes that all pending claims are allowable and respectfully requests a Notice of Allowance for this application from the Examiner. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Respectfully submitted,  
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